

1 AN ORDINANCE Establishing a Joint Seattle/King County Office of  
2 Citizen Complaints; providing for the appointment and  
3 qualifications of the Director of such office; and  
4 defining his duties and powers.

4 BE IT ORDAINED BY THE KING COUNTY COUNCIL:

5 Section 1. Definitions. As used in this ordinance,  
6 the term --

7 (1) "Administrative agency" means any department,  
8 office or other governmental unit, or any employee of Seattle and/or  
9 King County acting or purporting to act by reason of a connection  
10 with said City or County; but "administrative agency" does not  
11 include; (a) any court or judge or appurtenant judicial staff;  
12 (b) the members or staffs of the City or County Councils; (c) the  
13 Mayor of Seattle or the King County Executive or their respective  
14 personal staff; or, (d) the County Prosecuting Attorney or his staff  
15 or the Seattle Corporation Counsel or his staff.

16 (2) "Administrative Act" includes every action (such as  
17 decisions, omissions, recommendations, practices, or procedures) of  
18 an administrative agency.

19 Section 2. Establishment of the Office. The Joint  
20 Seattle/King County Office of Citizen Complaints is hereby  
21 established.

22 Section 3. Appointment. The Director of the Office  
23 of Citizen Complaints shall be appointed jointly by the City and  
24 County Councils. An appointment shall be made only upon vote of  
25 two-thirds majority of the members of each of the City and County  
26 Councils; provided, however, that the Director shall be chosen from  
27 a list of at least five (5) names submitted to the said Councils by  
28 the Citizens' Advisory Commission. The name of any applicant sub-  
29 mitted by a member of either the City or County Councils shall be  
30 considered by the Citizens' Advisory Commission. Said Commission  
31 shall be comprised of three individuals chosen by the Seattle City  
32 Council and three individuals chosen by the King County Council,

1 and further that the six so chosen shall choose by a majority vote  
2 a seventh person, who shall act as chairman of the Commission. If  
3 either Council cannot select a Director from the list of at least  
4 five names submitted to it, the Citizens' Advisory Commission shall  
5 be asked to submit a second list.

6 Section 4. Qualifications. The Director shall be  
7 a registered voter of the United States, shall hold a degree from  
8 an accredited college or its equivalent in service to government,  
9 shall have a working knowledge of legal and administrative  
10 procedures, and shall have experience, and/or knowledge in local  
11 government commensurate to the powers of the office. During the  
12 term of which he is appointed, he shall be ineligible to hold any  
13 other public office of employment. He shall not be a candidate  
14 for any public office for a period of two years following the  
15 completion of his term as Director of the Joint Seattle/King  
16 County Office of Citizen Complaints. The said Director shall not  
17 be included in the classified civil or career service of the City  
18 or County.

19 Section 5. Term of Office. The Director shall serve  
20 for a term of five years, unless removed by a vote of two-thirds  
21 of the members of each of the City and County Councils upon their  
22 determination that he has become incapacitated or has been guilty  
23 of neglect of duty, misconduct or political activity.

24 Section 6. Advisory Committee. There shall be  
25 established an Advisory Committee to advise and help formulate  
26 procedures and policies of the Office of Citizen Complaints. The  
27 said committee shall consist of three members of the City Council  
28 designated by its president, and three members of the County Council  
29 designated by its chairman, and they shall serve until replaced by  
30 the said president or chairman.

31 Section 7. Cost. The City of Seattle will pay annually  
32 the proportion of the joint use program equivalent to the ratio of

lm

1 the population within its City limits to that of the total  
2 population of King County, and King County will pay annually the  
3 proportion of the joint use program equivalent to the ratio of  
4 population within King County exclusive of the City of Seattle  
5 to the total population of King County. The official population  
6 figures to be used shall be the United States Census of 1970 and  
7 after 1970 shall be those issued by the registrar of vital  
8 statistics of the State Health Department as of July 1 preceding  
9 each budget year. PROVIDED, further, that the cost of operation  
10 of the joint Seattle/King County Office of Citizen Complaints  
11 must relate to the service provided to each of the governmental  
12 units and, whenever such service becomes unequal on a man hour  
13 basis, the cost of operations shall be so proportioned.

14 Section 8. Organization of Office. (1) The Director  
15 may select, appoint, and compensate, within the amount available  
16 or budgeted by appropriation, such assistants and employees as  
17 he may deem necessary to discharge his responsibilities under this  
18 ordinance, in order that both the City and the County will be  
19 provided equal services. Such assistants and employees shall not  
20 be included in the classified civil or career service of the City  
21 or County; (2) The Director shall (~~designate~~) appoint one (~~of~~  
22 ~~his-assistants-to-be-the~~) Deputy to be confirmed by the City  
23 Council of Seattle for matters originating in the City of Seattle  
24 and another Deputy to be confirmed by the King County Council for  
25 matters originating outside Seattle, One assistant shall be the  
26 Deputy Director, with authority to act in his stead when he him-  
27 self is disabled or otherwise absent; (3) the Director may dele-  
28 gate to other members of his staff any of his authority or duties  
29 under this ordinance except this power of delegation and the  
30 duty formally to make recommendations to administrative agencies  
31 or reports to the Mayor of Seattle and/or the City Council and  
32 the King County Executive and/or the County Council.

1 Section 9. Powers. The Director shall have the following  
2 powers:

3 (a) To investigate, on complaint or on his own, any  
4 administrative act of any administrative agency;

5 (b) To prescribe the methods by which complaints are  
6 made, received and acted upon; he may determine the scope and  
7 manner of investigations to be made; and, subject to the require-  
8 ments of this ordinance, to determine the form, frequency and  
9 distribution of his conclusions and recommendations;

10 (c) To request and he shall be given by each administra-  
11 tive agency the assistance and information he deems necessary for  
12 the discharge of his responsibilities; he may examine the records  
13 and documents of all administrative agencies; and he may enter  
14 and inspect premises within administrative agencies' control.

15 (d) To administer oaths and hold hearings in connection  
16 with any matter under inquiry;

17 (e) To issue a subpoena to compel any person to appear,  
18 give sworn testimony or produce documentary or other evidence  
19 reasonable in scope and generally relevant to a matter under  
20 inquiry; however, the subpoena power shall be limited to matters  
21 under written complaints by a citizen of the City or County;

22 (f) To undertake, participate in, or cooperate with  
23 general studies or inquiries, whether or not related to any  
24 particular administrative agency or any particular administrative  
25 act, if he believes that they may enhance knowledge about or lead  
26 to improvements in the functioning of administrative agencies.

27 Section 10. Matters Appropriate for Investigation.

28 (1) In selecting matters for his attention, the Director shall  
29 address himself particularly to an administrative act that might be

30 (a) Contrary to law or regulation;

31 (b) unreasonable, unfair, oppressive, or inconsistent  
32 with the general course of an administrative agency's functioning;

2 (c) arbitrary in ascertainment of facts;

3 (d) improper in motivation or based on irrelevant  
4 considerations;

5 (e) unclear or inadequately explained when reasons should  
6 have been revealed;

7 (f) inefficiently performed; or

8 (g) otherwise objectionable.

9 (2) The Director also may recommend strengthening procedures  
10 and practices of administrative agencies.

11 Section 11. Action on Complaints. (1) The Director shall  
12 receive complaints from any source concerning any administrative  
13 act. He shall conduct a suitable investigation into the subject  
14 matter of the complaint within a reasonable time, unless he  
15 believes that:

16 (a) the complainant has available to him another remedy  
17 or channel of complaint which he could reasonably be expected to  
18 use;

19 (b) the grievance pertains to a matter outside the power  
20 of the office of citizen complaints;

21 (c) the complainant's interest is insufficiently related  
22 to the subject matter;

23 (d) the complaint is trivial, frivolous, vexatious or  
24 not made in good faith;

25 (e) the complaint has been too long delayed to justify  
26 present examination of its merit.

27 (2) After completing his consideration of a complaint (whether  
28 or not it has been investigated) the Director shall suitably  
29 inform the complainant and the administrative agency or agencies  
30 involved.

31 (3) A letter to the Director of the Office of Citizen Complaints  
32 from a person in a place of detention or in a hospital or other  
institution under the control of an administrative agency shall

1 be forwarded immediately, unopened, to the Director.

2 Section 12. Right to Present Witnesses; Consultation  
3 with Agency.

4 (1) Any individual who is the subject of a complaint shall  
5 have the right to present witnesses and other evidence in his  
6 own behalf prior to disclosure of any conclusions or recommenda-  
7 tions by the Director.

8 (2) Before publishing a conclusion or recommendation that  
9 criticizes an administrative agency or any person, the Director  
10 shall consult with the agency or person and shall disclose fully  
11 the critical findings he intends to publish.

12 Section 13. Recommendations. (1) If, having considered  
13 a complaint and whatever material he deems pertinent, the Direc-  
14 tor is of the opinion that an administrative agency should (a)  
15 consider the matter further; (b) modify or cancel an administra-  
16 tive act; (c) alter a regulation or ruling; (d) explain more  
17 fully the administrative act in question; or (e) take any other  
18 step, he shall state his recommendations to the administrative  
19 agency. If the Director so requests, the agency shall inform  
20 him, within the time he has specified, about the action taken  
21 on his recommendations or the reasons for not complying with  
22 them;

23 (2) If the Director believes that an administrative action  
24 has been dictated by laws whose results are unfair or otherwise  
25 objectionable, he shall bring to the attention of the appropriate  
26 Council his views concerning desirable legislative change.

27 Section 14. Publication of Recommendations. The Director  
28 may publish his conclusions, recommendations and suggestions by  
29 transmitting them to the Mayor and/or County Executive, the City  
30 and/or County Councils or to any appropriate committee of either  
31 Council, the press and others who may be concerned. When  
32 publishing an opinion criticizing an administrative agency or

1 person, the Director, unless excused in writing by the agency or  
2 individual affected, shall include such statement or document that  
3 may have been made available to him by way of explaining past con-  
4 duct or present rejection of the Director's proposals. The  
5 Director shall not publish any interim or confidential reports.

6 Section 15. Written Reports. In addition to whatever reports  
7 he may make from time to time, the Director on the 15th day of  
8 January, May and September of each year shall report to the City  
9 and County Council concerning the exercise of his functions during  
10 the preceding calendar period. In discussing matters with which he  
11 has dealt, the Director need not identify those immediately con-  
12 cerned if to do so would cause unnecessary hardship. Insofar as  
13 the report may criticize named agencies or persons, it must also  
14 include their replies to the criticism.

15 Section 16. Disciplinary Action Against Public Personnel.  
16 If the Director has reason to believe that any public official,  
17 employee or other person has acted in a manner warranting criminal  
18 or disciplinary proceedings, he shall refer the matter to the  
19 appropriate authorities.

20 Section 17. Immunity of the Office of Citizen Complaints.

21 (1) No opinion or expression of the Office of Citizen  
22 Complaints shall be reviewable in any court;

23 (2) No civil action shall lie against the Director or any  
24 member of his staff for anything done or said or omitted in dis-  
25 charging the responsibilities of this ordinance, unless such act or  
26 omission was done in actual malice.

27 (3) Neither the Director nor any member of his staff shall be  
28 required to testify in any judicial or administrative proceeding  
29 concerning matters within his official cognizance, except in a  
30 proceeding brought to enforce this ordinance.

31 Section 18. Rights and Duties of Witnesses; Enforcement of  
32 Subpoenas.

1 (1) A person required by the Director to provide information  
2 shall be paid the same fees and allowances, in the same manner and  
3 under the same conditions, as are extended to witnesses whose  
4 attendance has been required in the courts of this state; excepting  
5 that City or County employees who are receiving compensation for  
6 the time that they are witnesses shall not be paid the set fees and  
7 allowances.

8 (2) A person who, with or without service of compulsory  
9 process, provides oral or documentary information requested by the  
10 Director shall be accorded the same privileges and immunities as  
11 are extended to witnesses in the courts of this state.

12 (3) Any witness in a proceeding before the Office of Citizen  
13 Complaints shall have the right to be represented by counsel;

14 (4) If a person fails to obey a subpoena, or obeys a subpoena  
15 but refuses to testify when requested concerning any matter under  
16 examination or investigation at the hearing, the Director may  
17 petition the Superior Court of King County for enforcement of the  
18 subpoena. The petition shall be accompanied by a copy of the sub-  
19 poena and proof of service, and shall set forth in what specific  
20 manner the subpoena has not been complied with, and shall ask an  
21 order of the court to compel the witness to appear and testify  
22 before the Office of Citizen Complaints. The court upon such  
23 petition shall enter an order directing the witness to appear  
24 before the court at a time and place to be fixed in such order and  
25 then and there to show cause why he has not responded to the sub-  
26 poena or has refused to testify. A copy of the order shall be  
27 served upon the witness. If it appears to the court that the sub-  
28 poena was properly issued and that the particular questions which  
29 the witness refuses to answer are reasonable and relevant, the  
30 court shall enter an order that the witness appear at the time and  
31 place fixed in the order and testify or produce the required papers  
32 and on failing to obey the order the witness shall be dealt with  
as for a contempt of court.



1 Section 19. Appropriation. There are hereby authorized  
2 to be appropriated such sums as may be necessary to carry out the  
3 provisions of this ordinance.

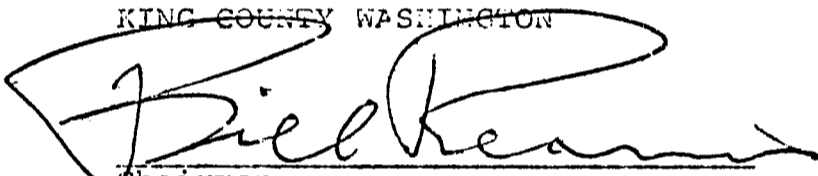
4 Section 20. Savings Clause. If any provision of this  
5 ordinance, or its application to any person or circumstance is  
6 held invalid, the remainder of the ordinance, or the application  
7 of the provision to other persons or circumstances, is not  
8 affected.

9 Section 21. Effective Date. The effective date of  
10 this ordinance shall be June 1, 1970.

11 INTRODUCED AND READ for the first time this 25th day of  
12 May, 1970.

13 PASSED by the King County Council at a regular meeting  
14 thereof on the 5<sup>th</sup> day of June, 1970.

16 KING COUNTY COUNCIL  
17 KING COUNTY WASHINGTON

18   
19 Chairman

20 ATTEST:

21   
22 Clerk of the Council

23 APPROVED This \_\_\_\_\_ day of \_\_\_\_\_, 1970.

24 DEEMED ENACTED WITHOUT  
25 COUNTY EXECUTIVE'S SIGNATURE.

26 DATED: 6-23-70  
27 King County Executive

28 ORDINANCE READINGS

29 1st 5-25-70

30 2nd 6-5-70

31 3rd 6-5-70

32 Effective Date \_\_\_\_\_